

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE CITY of PHILADELPHIA,

Plaintiff,

v.

JEFFERSON BEAUREGARD SESSIONS III,
in his official capacity as Attorney General of the
United States,

Defendant.

Case No. 2:17-cv-03894-MMB

CITY OF PHILADELPHIA'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Plaintiff City of Philadelphia (the “City” or “Philadelphia”) hereby moves this Court for an Order granting partial summary judgment in favor of Philadelphia on Counts I, II, and III of the City’s Amended Complaint for Declaratory, Injunctive, and Mandamus Relief, holding that the Challenged Conditions that the Attorney General of the United States has imposed on the Edward Byrne Memorial Justice Assistance Grant are *ultra vires* and violate the separation of powers, and that the Attorney General’s decision to impose the conditions was arbitrary and capricious. The City further moves this Court for an Order permanently enjoining the Attorney General from attaching the Challenged Conditions to the City’s FY 2017 award.

This Motion is based upon the accompanying Memorandum of Law in Support of Plaintiff’s Motion for Partial Summary Judgment and the Statement of Undisputed Material Facts contained therein; the pleadings and records on file in this action; any matters of which the Court may take judicial notice; and any further argument as may be presented on this Motion.

DATED: April 13, 2018

Respectfully submitted,

MARCEL S. PRATT, I.D. NO. 307483
Acting City Solicitor
LEWIS ROSMAN, I.D. NO. 72033
Senior Attorney
CITY OF PHILADELPHIA LAW DEPARTMENT
1515 Arch Street, 17th Floor
Philadelphia, PA 19102

ROBERT C. HEIM, I.D. NO. 15758
JUDY L. LEONE, I.D. NO. 041165
FRIEDRICH-WILHELM W. SACHSE, I.D. NO. 84097
DECHERT LLP

/s/ Virginia A. Gibson
VIRGINIA A. GIBSON, I.D. NO. 32520
SARA ARONCHICK SOLOW, I.D. NO. 311081
JASMEET K. AHUJA, I.D. NO. 322093
ALEXANDER B. BOWERMAN, I.D. NO. 321990
HOGAN LOVELLS US LLP
1735 Market Street, 23rd Floor
Philadelphia, PA 19103
(267) 675-4600
virginia.gibson@hoganlovells.com
NEAL K. KATYAL (*pro hac vice*)
KIRTI DATLA (*pro hac vice*)*

Cira Centre
2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000

REEDY C. SWANSON (*pro hac vice*)
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, DC 20004

**Admitted only in Texas; supervised by firm members*

Attorneys for the City of Philadelphia

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018 the foregoing Motion and its supporting documents were filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

April 13, 2018

/s/ Virginia A. Gibson
VIRGINIA A. GIBSON, I.D. NO. 32520
HOGAN LOVELLS US LLP
1735 Market Street, 23rd Floor
Philadelphia, PA 19103
(267) 675-4600
virginia.gibson@hoganlovells.com